

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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R.G., *individually and on behalf of E.G., a child with a* :
disability, :
:
Plaintiffs, : 18 Civ. 12119 (JPC) (RWL)
:
-v- :
:
NEW YORK CITY DEPARTMENT OF EDUCATION, :
:
Defendant. :
:
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JOHN P. CRONAN, United States District Judge:

Plaintiff R.G., the parent of child E.G., has sued the New York Department of Education, individually and on behalf of E.G., for alleged violations of the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.* Plaintiff brought a claim for denial of a free appropriate public education before an impartial hearing officer (“IHO”) on November 3, 2017. Dkt. 1 ¶ 9. After the IHO denied Plaintiff’s claim on June 22, 2018, Plaintiff appealed to a state review officer (“SRO”) on July 31, 2018, and the SRO denied the claim on October 7, 2018. *Id.* ¶¶ 12-14. Plaintiff now challenges the SRO’s decision in federal court, seeking the annulment of the SRO’s decision and reimbursement for tuition in a private school. *Id.* ¶¶ 15-18. Plaintiff and Defendant cross-moved for summary judgment. Dkts. 44, 54.

On January 24, 2022, the Honorable Robert W. Lehrburger, United States Magistrate Judge, to whom this case has been referred for both general supervision of pretrial proceedings and for a recommendation on dispositive motions, Dkt. 10, issued a Report and Recommendation recommending that the undersigned grant Defendant’s motion for summary judgment and thereby uphold the SRO’s decision, deny Plaintiff’s motion, and close this case. Dkt. 64 (“R&R”).

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge” in a Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). If a party submits a timely objection to any part of the magistrate judge’s disposition, the district court will conduct a *de novo* review of the contested section. Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). If no objections are made, the Court reviews the Report and Recommendation for clear error. *See, e.g.*, *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

The Report and Recommendation, citing both Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1), advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. R&R at 24. No objections have been filed and the time for making any objections has passed. The parties have therefore waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d. Cir. 1992); *see also Cidor v. Onondaga Cnty.*, 517 F.3d 601, 604 (2d Cir. 2008).

Notwithstanding this waiver, the Court has conducted a *de novo* review of the Report and Recommendation and finds it to be well reasoned and its conclusions well founded. Accordingly, the Court adopts the Report and Recommendation in its entirety. The Court therefore grants Defendant’s motion for summary judgment and denies Plaintiff’s motion for summary judgment. The Clerk of Court is respectfully directed to terminate all pending motions and close this case.

SO ORDERED.

Dated: February 11, 2022
New York, New York



JOHN P. CRONAN
United States District Judge